

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ELBERT GILBERT,

Petitioner,

Case No. 1:09-cv-578

v

HON. JANET T. NEFF

JOHN PRELESNIK,

Respondent.

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**FINAL ORDER**

In accordance with the Opinion entered this date:

**IT IS HEREBY ORDERED** that the objections (Dkt 6) are DENIED and the Report and Recommendation of the Magistrate Judge (Dkt 4) is APPROVED and ADOPTED as the opinion of the Court.

**IT IS FURTHER ORDERED** that the petition for habeas corpus relief (Dkt 1) is DISMISSED for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that Petitioner's Application to Proceed Without Prepayment of Fees (Dkt 2) is DENIED as moot.

**IT IS FURTHER ORDERED** that a certificate of appealability pursuant to 28 U.S.C. § 2253(c) is DENIED as to each issue asserted.

This Final Order concludes this case, and the case shall therefore be closed.

Date: December 1, 2009

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge